UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1992/SR.17
11 December 1992

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 December 1992, at 10 a.m.

Chairman: Mr. ALSTON

CONTENTS

General discussion on the right to take part in cultural life as recognized in article 15 of the Covenant

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GE.92-18764 (E)

The meeting was called to order at 10.30 a.m.

GENERAL DISCUSSION ON THE RIGHT TO TAKE PART IN CULTURAL LIFE AS RECOGNIZED IN ARTICLE 15 OF THE COVENANT (agenda item 6) (E/C.12/1992/WP.4)

1. The CHAIRMAN called for a volunteer to draft a report on the general discussion on item 6.

2. Mrs. IDER expressed her willingness to carry out that assignment.

3. The CHAIRMAN invited Mr. Konate to introduce the paper he had prepared on the implementation of cultural rights and an analysis of article 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1992/WP.4).

4. Mr. KONATE, introducing his paper, said that it would have been helpful if it had been available in all working languages. At the same time, he apologized that the text was not complete, technical difficulties having arisen.

5. The paper began by noting that cultural rights and, indeed, economic and social rights as well, were in a sense "underdeveloped", largely because of a lack of clarity about their legal nature and content. There was a tendency to emphasize external manifestations of culture, such as libraries, museums, works of art and the like. Yet as early as the 1970s, UNESCO had underscored the importance of the right both to take part in cultural life and to enjoy the benefits of scientific progress, an approach that he shared.

6. The Universal Declaration of Human Rights and the International Covenants on Human Rights gave little attention to a definition of cultural rights. Instruments of culture were often equated with culture itself. In his view, it was not enough to restrict the definition to external aspects of culture. Such a definition was materialist or even mercantilist. Instead, culture was at the very core of human rights, because it was human dignity and, indeed, life itself that were concerned. Referring to the example of the colonialist period, he said that the first human right that had been denied was the right to culture, and that had opened the way to a denial of all other human rights.

7. Thus, a semantic question arose: could the right to take part in cultural life be equated with the right to culture? With a view to expanding the scope of article 15, he had sought to reconcile the right to take part in cultural life, which was a right of the individual, and the right to culture, which might be regarded as a group right.

8. One area on which his paper focused was the right to have access to culture and the need for equal opportunities and non-discrimination in that regard. Furthermore, as recognized in article 27 of the Universal Declaration of Human Rights, "Everyone has the right freely to participate in the cultural life of the community", and that meant that participation must not be imposed

by the authorities in implementation of a cultural policy. The right of access to culture also entailed the freedom to engage in creative activity, access to means of dissemination and protection of the cultural and artistic heritage. Individuals must have the right to be involved in defining cultural policy choices. That was implied in the right to take part in cultural life.

9. The rights of minorities were of particular concern in the overall approach to culture. That was an aspect that had not received sufficient attention in the past, and article 15 of the Covenant made no mention of the subject. As recent events had shown, the cultural rights of minorities had taken on increased importance. In his view, the Committee should give priority to considering ways to protect the cultural rights of minorities.

10. In his paper he also addressed the right to enjoy the benefits of scientific progress and its applications, considered the concept of freedom to engage in scientific research and touched upon the question of censorship. He also raised the question of ensuring equal access for all to scientific and technological progress. In that context, it would be worth considering what States were undertaking to generalize such access.

11. The limits of scientific progress, particularly from the ethical point of view, were another subject examined in the report. He had in mind such areas as genetics and medicine, and he also referred in that connection to the conflict between the positivist approach contained in the idea of technical progress and the right to environmental protection. The Committee might discuss what measures were taken to protect the environment and to prevent a repetition of the Chernobyl and Bhopal accidents. Perhaps it was necessary to require proof that scientific progress provided benefits for mankind, an idea that was already implied in article 15, paragraph 1 (b).

12. Turning to Part II of the paper, on measures to be taken by States parties to ensure implementation of cultural rights, reference was made to the Recommendation of Nairobi, adopted unanimously by UNESCO, on participation by the people at large in cultural life and their contribution to it, which was annexed. As the States that had signed the Recommendation had committed themselves to reporting on their efforts to ensure access to culture, the Committee should request States to provide information on such activities.

13. Turning to Part III of the paper on obstacles to the realization of cultural rights, he said that scientific progress should be assessed as a function of economic and social development. When States were undertaking economic development programmes, they should stress the aspect of culture. It was also important in that context to consider the extent to which the implementation of cultural rights was linked to education. Many States were unable to guarantee realization of article 13 of the Covenant because of high illiteracy rates. Education must play a role in ensuring access to culture.

14. Part IV of the paper raised the question of the degree to which States should encourage and develop cultural cooperation and referred in that context to UNESCO's concept of the world cultural heritage. It was worth considering,

for example, whether a State could be obliged to establish a monument to an aspect of its cultural heritage and whether it could demand assistance in that endeavour from the international community.

15. Part V of the paper, containing his recommendations, would be made available to the Committee as soon as possible.

16. Mrs. BONOAN-DANDAN fully agreed with Mr. Konate that culture was not the same as cultural manifestations and that the right to culture was not the same as the right to participate in cultural life, the latter applying to individuals and the former to collectivities. However, perhaps Mr. Konate's most interesting remark had been his assertion that culture was at the centre of human rights, with which she agreed.

17. In the world of the humanities and social sciences in which she moved, culture simply meant a way of life. Its elements would be language, non-verbal communication, oral and written literature, song, religion or belief systems which included rites and ceremonies, material culture, including methods of production or technology, livelihoods, the natural and man-made environment, food, clothing, shelter, the arts, customs and traditions consisting of practices, behaviour and institutions which reflected the norms of social order by which members of the community abided freely, plus a world view representing the totality of a person's encounter with the external forces affecting his life and that of his community. Those fundamental elements of culture distinguished man from beasts. Culture at the same time mirrored and shaped the economic, social, civil and political life of a community. It was handed down from one generation to the next in a process of teaching and learning called "education". Participation in cultural life, at the very core of which lay a person's duties and responsibilities towards the common good, gave the individual a sense of belonging and reinforced his sense of identity.

18. Participation in cultural life meant giving as much as taking. If the Committee accepted the general definition of culture accepted in the social sciences, it was only logical to accept that taking part in cultural life embraced all the activities of the individual. Culture was a birthright. If it were possible to stop at that point, the sailing would be very smooth. However, since the Committee was reflecting on cultural life in relation to its work, it must proceed into more dangerous and murky waters. Customs and traditions gave rise to values and practices that were peculiar to a given culture. In many cases such values could be translated into universally accepted norms, but in just as many cases specific customs and traditions ran counter to them. In extreme cases they even violated human rights. The question, then, of universality, specificity and relativity appeared to lead to a dead-end.

19. She had once conducted a study in the South-East Asian region for UNESCO, focusing on human rights and education, among other matters. People had flinched when they had heard the term "human rights", and each time she had used it no cooperation had been forthcoming. She had soon realized that if

she wanted to achieve her objective, some alternative was called for. From that point onwards she had replaced the term "human rights" by another. The change had produced truly edifying findings, since her new concept had been deeply entrenched in age-old traditions applied to educational philosophy in all the South-East Asian cultures. In the end she had been informed that although the West might have invented "human rights", it did not hold a copyright on them.

20. What lesson, then, could be learnt from that experience? In her view it was time to adopt creative approaches in the Committee's task of monitoring the compliance of States parties with their obligations under the Covenant. The Committee should squarely face the fact that taking part in cultural life would always be relative if the Committee insisted on approaching it in its own terms. That might, in fact, be one of the reasons why some States parties found it difficult to submit reports or did so only with the greatest reluctance. Why did the Committee not try asking States parties to cite their own cultural indicators, which the Committee could then compare with the ones it itself used? If any discrepancy were found, it should be pointed out to the State party concerned so that some mutually agreed common ground could be discovered. The process would be rough sailing, and the problems would not be solved overnight. She was not proposing that the Committee should allow States parties to decide entirely how they should present their reports, but the Committee could perhaps draft questions of a general nature regarding cultural life designed to elicit responses that would admit of concepts peculiar to a particular culture. That would even be of greater value for the Committee's understanding of States parties' situations. Universality was meaningless as an abstract term. The right to take part in cultural life was concrete and real and was the basis of all human rights and fundamental freedoms. It should not be left in limbo.

21. Mr. WIMER-ZAMBRANO thanked Mr. Konate for his sensible and imaginative text. The proposals were not very specific and could not be so because culture covered so many different fields. It had, in fact, been affirmed that culture was impossible to define except in absolutely conventional terms, since the word had many different meanings. Consequently, it would be wrong for the Committee to try to arrive at a definition. To avoid getting bogged down, the Committee should endeavour to decide what its goals were in the matter of cultural rights. He personally was sceptical about the usefulness of arriving at a definition acceptable to all members of the Committee, since even if such a miracle were to occur, the Committee's conclusions would probably not be acceptable elsewhere. A dogmatic or scholarly approach would therefore be inappropriate. The word "culture" would continue to be used in different ways, but the Committee should use it in a restrictive sense within the limits of its mandate, taking into consideration the specific activities of States parties and justiciable acts - in other words concentrating more on the negative than on the positive aspects. For example, if a certain people had certain traditions, it would be very difficult to request the Government to organize the relevant events, but it would be easy to request it not to interfere with them.

22. Ms. HAUSERMANN (International Movement for Rights and Humanity), speaking at the invitation of the Chairman, congratulated Mr. Konate on his very full analysis of the three aspects of article 15 of the Covenant. She would concentrate on the first - the right to take part in cultural life. Even that was an extremely broad right, having in many ways an impact on many other rights. It was clearly linked to the rights associated with the development of the human potential and with those associated with survival and with the right to physical security, as in the Rushdie case. Genocide might be the most extreme form of violation of cultural rights, in so far as it denied cultural identity. It was also clear that the denial of cultural and national identity was a leading cause of major conflicts such as those taking place in the former Yugoslavia.

23. An analysis of the right to participate in cultural life also revealed other linkages between civil and political rights, on the one hand, and economic, social and cultural rights on the other - for example, between the rights to freedom of expression, to freedom of assembly, to freedom of thought and religion, and to education. If the definition of "culture" was extremely difficult, the definition of "cultural life" was also difficult and inevitably contained many subjective elements. However, it went far beyond "high culture" and the arts and clearly included food, languages, religion, music, dance and traditional activities and rituals. For indigenous peoples and many others it affected their very survival and way of life. For them cultural life could not be separated from a mutual support system, and those who were denied access to participation in cultural life might therefore be denied the very opportunity to live. Many attempts had been made to define cultural life. It clearly embraced those elements which specifically identified a particular community, but the cultural rights of that community did not exist in isolation and were constantly developing.

24. Her organization was in the process of organizing a conference on the right to participate in cultural life in the context of European cultural policy-making. It had identified four components of that right: the right to access to cultural life, the right of minorities and all other groups to participate in it, the right of artistic freedom, and the right to participate in policy-making itself. In Europe the right of access raised very serious issues regarding physical disabilities and financing, since if culture was to be accessible to everyone, it must also be affordable.

25. The protection of minorities had given rise to particular problems in Europe, concerning not only the protection of minority groups in the dominant culture but also their rights to develop and participate in their own cultures. In multicultural societies, that in itself raised many issues. Artistic freedom and freedom of expression and all the rights associated with the freedom to disseminate ideas and with education were much more clearly defined.

26. With regard to the right to participate in cultural policy-making, her organization had found that on some occasions government policies had prevented participation in cultural life. For example, in Finland the Sami

minority had a very distinct culture, and the Government had provided financial support for its artistic and cultural expression. The consequences of that policy, however, had been to limit the development of the Sami culture and to turn it more into a tourist attraction - a "museumization" of culture, as it were. Thus, the protection of minorities was clearly a major issue in the right to take part in cultural life.

27. A broader view showed some of the problems that had emerged in her organization's research. In western Europe the question of separate schools with different languages had arisen, as had that of State support for religious schools for minorities. The case in France of the Muslim girl who wished to wear a veil in school had attracted considerable attention. Very difficult policy, as well as legal, issues were involved. The question as to when cultural practices themselves might be considered a violation of other rights also arose, as in the case of female circumcision. In that connection, her organization would argue that any cultural practice that was damaging to health or to the enjoyment of other human rights could not be regarded as part of the right to participate in cultural life. In central and eastern Europe cultural life had been used so much as a means of expression that popular participation had been very high. Yet with political and economic restructuring and the inability of Governments to continue funding artistic institutions, there had been a dramatic decline in opportunities to participate in cultural life.

28. Her organization was very conscious of the whole question of national and cultural identity and its relationship with the right to self-determination. Mrs. Bonoan-Dandan had stated that culture represented part of an individual's world view. In that respect some striking developments had taken place in Europe with regard to respect for cultural rights. For instance, States wishing to join the Council of Europe had an obligation to adhere to both the European Convention on Human Rights and the European Cultural Convention.

29. She hoped that at the Committee's next session she would be able to make a brief report on the conclusions reached at the conference which her organization was preparing to hold and to make some suggestions on the nature of State obligations and on how States could deal with the complex issues raised by the right to participate in cultural life. The conclusions would be placed under three main headings: what the State had to do in terms of legal protection, how a State protected individuals from violations by others, and what measures a State needed to take to ensure the progressive achievement of the right to participate in cultural life for the most vulnerable and disadvantaged sections of society. That included State subsidies for art, the protection of minorities, and measures to ensure access to culture for the disabled. The conference would also be considering the question of international cooperation and the obligations of States in that connection. Since those issues involved both policy and law, the conference would be attended by human rights lawyers, European policy makers, and representatives of UNESCO and the Council of Europe.

30. Mr. MRATCHKOV, said he had been struck by the elegant legal analysis and humanitarian aspect of Mr. Konate's paper, including a certain human warmth which was not always present in the Committee's comments on reports submitted by Governments. The rights set out in article 15 were complex; three distinct rights were listed, and Mr. Konate believed that from them derived a corollary concerning the right of protection of the material and moral interests of authors. What had to be stressed was the extreme complexity of rights which opened up a whole social, legal and human universe.

31. He noted that States parties to the Covenant had an obligation to take legislative, administrative and other measures to ensure that the rights set forth in the Covenant were applied in practice. The Committee, when examining the report of States parties, was always interested in the practical application of rights; with regard to article 15, the Committee had two additional reasons to be interested. First, there was the non-self-executing nature of the rights set forth in article 15, which required States to take legislative or other measures to make sure that those rights were applied. There were many and varying degrees of non-self-executing rights in the Covenant; some rights, such as those in articles 11 and 15, were more non-self-executing than others. The justiciability of those non-self-executing rights depended on their introduction into the legal order; if the right was not introduced into the domestic legal order the question of justiciability did not arise. The Committee needed to focus particular attention on the regulation of those rights. Second there was the current economic recession. Cultural rights were among the most vulnerable; they were the first to be sacrificed when States experienced economic difficulties. The practical aspect therefore had to receive greater attention.

32. Reverting to the concept of participation in cultural life, he noted that there were three clearly differentiated aspects listed in article 15. The fundamental right to participation in cultural life as set forth in paragraph 1 (a) had two components. The first was the right to the creation of cultural values, literary, artistic and scientific: in a word, spiritual values. The result of that creation distinguished that right from all other economic rights which resulted in material products. The second component was the right to benefit from cultural values created by the individual or the community. Participation in cultural life thus included both the right to artistic, literary and scientific creation and the right to enjoy the benefits created by it.

33. He noted that Mr. Konate had raised the question of whether those rights were individual or collective. The right to create spiritual values was by its very nature more often individual than collective, but the right to benefit from spiritual values could be both individual and collective.

34. Lastly, he raised the question of international cooperation on the rights set forth in article 15, which he considered to involve consultation between the Committee and other specialized agencies in that sphere. He was gratified to see that the representative of UNESCO was present and regretted that the

latter had not been able to attend when the Committee had considered the five reports submitted under agenda item 5, four of which had related to articles 13 to 15. Furthermore, WIPO might be invited to be present when the Committee considered the right of protection of authors' material and moral interests.

35. Mr. ZACHARIEV (United Nations Educational, Scientific and Cultural Organization), apologized for not having been able to follow the earlier discussions, since UNESCO was undergoing restructuring and had to limit its activities in accordance with its resources. The Committee's recommendations would therefore be very useful as a basis to enable UNESCO to identify areas for practical action, although a distinction always had to be made between charters, declarations and conventions between UNESCO and States parties on one hand and on the other, recommendations by committees of experts that did not necessarily reflect the opinion of legal experts or representatives of States, a fact which might preclude UNESCO from taking concrete action.

36. As Mr. Konate had stressed in his paper, UNESCO was trying to go beyond the materialistic vision of culture, to one that included every aspect of the creativity of individuals and groups, both in their style of life and in their mode of practical activity. Lately UNESCO had been emphasizing all the ethical aspects of human life vis-à-vis the problems posed by progress in science, technology and economic development in general, which coincided with the Committee's concerns. He welcomed the Committee's emphasis on increased interdependence between cultural development and development in general, which made possible continuous and increasing information on the specificities of development without neglecting cultural aspects inherent in different cultural identities. UNESCO shared the Committee's concern to avoid a turning inward and cultural prejudices, and to find the means of more effective international cooperation that would enable it to fulfil its role. Cooperation could be strengthened with other agencies such as WIPO to realize the human aspects of development. A series of statements and actions emphasizing the priority given by UNESCO to culture, placing different aspects of morality in the centre of its thought and action, would enable UNESCO better to meet the concerns of the Economic and Social Council, which in its most recent session the previous July had laid stress on human resources. One of UNESCO's fundamental missions was to draw out the potential of each people to develop the culture of peace at the expense of the culture of war. That mission was linked with the agenda for peace which had been announced by the Secretary-General of the United Nations in July 1992. Along with the emphasis on culture and morality, a special role had been assigned to education and training to ensure the sharing of knowledge to give culture pride of place in national development strategies.

37. In 1982 UNESCO had convened the World Conference on Cultural Policies in Mexico; since then there had been new developments, stemming from the World Decade for Cultural Development, with a dynamic evolution of the concept of culture and human rights. A number of current UNESCO programmes would contribute to the practical realization of cultural development and, in particular, of education. UNESCO had recently been giving considerable

attention to democracy and human rights, including the right to culture; with the generous support of the Canadian Government it intended to organize an international congress on democracy and human rights in March 1993. Seminars on the cultural dimension of development had been held at the headquarters of the African Development Bank in Abidjan from 2 to 7 November, which had reflected the complexity of the problem and the cooperation between United Nations agencies. UNESCO had also organized an interdisciplinary think-tank on education for democracy at Tunis from 8 to 10 November 1992. In conclusion UNESCO was trying to focus action, to assign priorities and to address target groups, such as young people and women, so that interdisciplinary action could be taken on any cultural or human problem.

38. Mr. NENEMAN observed that there had been little or no reporting by Governments on article 15; that indicated the existence of a need to develop a better understanding of the article. The Committee had to elaborate a set of questions and guidelines so as to induce more appropriate reporting. Mr. Konate had taken an important step in that direction, but the issue was complex and could not be resolved quickly. The ideas expressed by Ms. Hausermann, especially the four principles of accessibility, participation, artistic freedom and influence on policy making, might form the core of the Committee's future guidelines.

39. Focus was needed on the right to culture in countries in the process of transition. In his own country, Poland, unquestionable progress had been made in respect of freedom of expression; for the time being it did not seem to be in danger, although there had been an attempt by the Church to suppress some plays or songs that were critical of it. The most difficult problems at present lay in the access to culture. Ms. Hausermann had mentioned the decline in government subsidies. Poland had had about 100 professional theatres and a number of acting schools. In the past, almost every graduate of such a school had been assigned to a theatre and had received a monthly salary. Today, actors had to market their talents, and the best actors marketed their talent for better money in Germany or France, with a resulting talent-drain, as it were. Perhaps that simply underlined the unity of European culture and provided new openings for talented people. At the same time, the number of theatres had declined: performances of plays directly in front of the public, for example in factories, had been discontinued. Price reductions for small groups had disappeared. It had been fashionable to go to the theatre and to concerts; that had disappeared, as was inevitable in a market economy. New ways of maintaining accessibility to culture had to be found, and what was true in Poland was also largely true in other countries in the throes of transition. In Poland there had been about 30 subsidized philharmonic orchestras. Now only a few had subsidies; the rest were doomed to extinction. Fortunately, musicians who had freedom of movement could sell their talent in other countries.

40. As for books, although in the past books had not been expensive and world classics were freely available in translation, censorship had meant that some important modern works were unobtainable. At present access to books was unrestricted, but they were now a market commodity and bookshops, which now

had to make a profit to survive, were principally stocking ephemeral literature of mass appeal rather than literature of quality. The most drastic cultural impact of the recent changes had been on the film industry. In the past only the best foreign films had been imported; at present only films that made money for the cinemas, generally second-rate films of mass appeal, were being shown and national films were being squeezed out of the market place.

41. It was important to ask questions as to the best way to defend quality in culture, which had been an unfortunate casualty of the free market system, not merely of the decline in subsidies. The problem was not so much the institution of a welcome free market, but the fact that the countries in transition had abandoned their old systems but did not yet have the kind of infrastructure of support for the arts that existed in the West. Attention therefore needed to be focused on such situations and new guidelines and questions developed to cope with it.

42. Mrs. JIMÉNEZ-BUTRAGENO, welcoming Mr. Konate's paper, said that the distinction he had made between the right to take part in cultural life as an individual and the collective right to enjoy cultural assets had also featured in her list of questions. She looked forward to receiving the conclusions and recommendations he proposed appending to his report, as they would be most useful for the further work of the Committee.

43. A revision of the guidelines was imperative to remedy the failure of many countries to provide information on cultural rights, or to overlook minorities because the Covenant did not mention them specifically.

44. Since the particular vulnerable and disadvantaged group with which she was concerned was the elderly, she hoped that the congress Ms. Hausermann was to attend would pay some attention to the concerns of the elderly, whose numbers and needs in Europe were growing. She had been grateful for documentary assistance received from UNESCO in the preparation of her paper on the elderly. With increasing life expectancy, there was increasing opportunity for the elderly to take an interest in society and to contribute to it. It would be interesting to know what ideas UNESCO had on ways to enable the elderly to participate in education and culture. Many of the elderly sought access to study at all levels, not merely to overcome illiteracy but also to enter university. As an example, a 93 year-old woman was at present studying medicine at the University of Santiago de Compostella. The elderly were also disadvantaged in the world of books, where they often found costs prohibitive particularly as the larger print books many needed were not available in inexpensive paperback editions.

45. She expressed appreciation of the comments made by other Committee members, in particular Mr. Wimer Zembrano, who had rightly stressed the need for the Committee to consider practical matters in addition to theoretical, philosophical and legal points.

46. Mr. TEXIER commended Mr. Konate on his excellent introductory paper. There was a clear need for reflection on an issue of such complexity as cultural rights, especially as article 15 embraced a vast arena not only of cultural rights and cultural life but also scientific research and its applications - an area which had so far received little attention from the Committee.

47. In determining the areas to which States should give greatest attention in their reports and to which the Committee's recommendations should be directed, four major aspects would need to be considered. The first was that there should be no discrimination between cultures since no hierarchy of cultures existed, all were equal and therefore had an equal right to protection. Discrimination against and destruction of cultures had been constant factors in world history, not merely in the colonial era, and were still continuing throughout the world. There were many examples in a changing Europe, and another instance was provided by Guatemala where despite the fact that 60 per cent of the population were indigenous Indians their culture was repressed and neglected to the extent that such expressions of it as clothing and diet were actively discouraged. The protection accorded all cultures should include language. Many languages, in Europe and elsewhere, were disappearing for lack of support from central authorities.

48. Access to culture by all was a second major point. Such access was often a question of economics. Support of cultural rights was in some countries a luxury that had to yield place to meeting other more fundamental rights, such as those considered in article 11 of the Covenant. In that area the questions to States should be directed to what they were doing to allow access to culture by the greatest number.

49. A third important point was the growing uniformization of culture or the lowering of the level of culture to the lowest common denominator, generally the invasion of a cultural model from outside shaped by purely economic factors and market forces, whose productions were cheap and readily accessible. Questions would need to be found to clarify that situation in relation to the need to protect all cultures and ensure the survival of those economically unable to compete.

50. The fourth important area was the right to freedom of scientific research. Questions to States had to date been limited to asking whether that freedom and intellectual property rights were being protected. Questions should also be asked on how to prevent the freedom to engage in scientific research from leading to ecological disasters or how to resolve the ethical problems posed by certain scientific advances, for example in the field of human reproduction.

51. Mr. FOFANA commended Mr. Konate on his exemplary paper.

52. It was generally agreed that the protection of cultural rights was a central pillar of human rights and as such crucial to development, which represented the fulfilment of the spirit of the individual and of the

community and the renewal of civil and political as well as economic, cultural and social rights. In practice, however, the protection of cultural rights could clash with economic and social development. For example, Mount Nimba in south-east Guinea had rich mineral deposits whose extraction was essential for the economic well-being of the country. The area was also host to a unique species of giant viviparous frog that had been declared a world heritage species, whose survival was imperative in terms of global culture. Guinea was thus faced with the problem of reconciling two conflicting interests. The Committee should perhaps give some time to considering how best to tackle such problems.

53. Mr. KOUZNETSOV joined in the appreciation expressed by other speakers for Mr. Konate's paper.

54. As many members of the Committee had remarked in their comments on article 15, the wording of the two Covenants differed on a number of points. In particular, the International Covenant on Civil and Political Rights was more stringent in imposing obligations on States than article 15 of the International Covenant on Economic, Social and Cultural Rights which merely advised States to recognize rights. The Committee was not competent to amend the wording of the Covenant but it could interpret its "soft" provisions in an authoritative and prestigious way to give them more force by stressing the rights of individuals and the obligation of States to uphold those rights. The Committee should then endeavour to spell out the specific obligations incumbent on States in the cultural field, for example on the question of subsidies. In its reports, the Committee should also try to draw conclusions on what progress if any had been achieved. Perhaps Mr. Konate could, on the basis of the questions Committee members had asked with respect to article 15 of the Covenant, draft wording setting out the obligations of States on cultural rights. Although it would of course not be possible to apply requirements across the board, States could be required to provide legislative, administrative and financial measures to guarantee the promotion of cultural rights.

55. He drew attention to an editorial correction to be made to Mr. Konate's paper. Chernobyl, which had been mentioned in the context of ecological disasters, was not located in the Russian Federation and it should be mentioned as being either in the former Soviet Union or in the Ukraine.

The meeting rose at 1.05 p.m.